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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,852	11/19/1998	SEAN HANDEL	AC980009	4752

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EXAMINER	
CHANNAVAJJALA, SRIRAMA T	
ART UNIT	PAPER NUMBER

2177

DATE MAILED: 01/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/195,852	HANDEL ET AL.
	Examiner	Art Unit
	Srirama Channavajjala	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12/20/2001/RCE]].

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-2,5-6,8-12,15-16,18-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,5,6,8-12,15,16,18 and 19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to RCE**

**CONTINUED EXAMINATION UNDER 37 CFR 1.114 AFTER FINAL REJECTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 20, 2001 has been entered, paper no. # 19, the Amendment filed on 12/20/2001 paper no. # 18 has been entered, and a non-final Office action, paper no. # 22 as stated below.

2. Examiner acknowledges Applicant's amendment filed on December 20, 2001, paper no. # 18. Examiner notes that Claim 16 is missing in the paper no. # 18 [both clean copy and version with markings to show changes made], Examiner assumes Claim 16 is not amended, and Claim 16 is treated as not amended in the office action, paper no. # 22.

3. Claims 1-2,5-6,8-12,15-16,18-19 are remain pending in this application.
4. Claims 1-2,5-6,8-12,15,18-19 have been amended, paper no. # 18
5. Claims 3-4,7,13-14,17, and 20 have been canceled, paper no. # 18.

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6. The request filed on October 30, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on Application No. 09/195,852 is acceptable and a CPA has been established, paper no. # 12.

7. Examiner acknowledges Applicant's Amendment, paper no. # 8, dated May 18, 2000 and corresponding final office action paper no. # 9, dated 7/30/2000.

8. Claims 1,10-12 have been amended, paper no. # 8

9. Claim 20 has been added, paper no. # 8.

10. In view of the Applicant's "REMARKS" paper no. # 8, page 4, line 8-18, the rejection to Claims 5, 7, 15 and 17 under 35 USC 112, first paragraph as set in the previous office action [paper no. # 7] is hereby withdrawn.

*Drawings*

11. The Drawing filed on 11/19/1998 are objected to by the Draftsperson under 37CFR 1.84 or 1.152, [see PTO-948, paper no.# 7], formal drawings are required in response to this office action, paper no. # 22

*Information Disclosure Statement*

12. Examiner acknowledges PTO-1449, paper no. # 10 and 11, a copy of the PTO-1449 herewith enclosed along with the office action, paper no. # 14. [see attached PTO-1449].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-2,5-6,8-12,15-16,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszcz, US Patent No. 6202083 in view of Harris et al., [hereafter Harris], US Patent No. 6331972.

14. As to Claims 1,10-11, Chrabszez teaches a system which including 'obtaining user profile information' [see fig 5, element 500, col 4, line 42-45, col 5, line 30-33], examiner interpreting user profile information corresponds to Chrabszez's fig 5, element 500, "obtaining at least one activity from a user device, and wherein an activity is a calendar, email, contact list, task list or note" [fig 2, element 223, col 4, line 17-24], Chrabszez teaches for example news element 206, sports element 208 and community information element 210 is available in public space element 202 as detailed in fig 2, also it is noted that Chrabszez specifically teaches for example client 110 is operated by user element 112, client 114 is operated by user element 16 and like , examiner interpreting user device corresponds to element 110, 114, 118 as detailed in col 3, line 33-37, 'storing the user profile information and the activity in a centralized, internet accessible database' [col 3, line 38-46, line 54-56, col 4, line 42-51, line 64-67], examiner interpreting internet accessible database corresponds to Chrabszez's fig 1, 'providing a user access to the database from an Internet enabled device for allowing the user to alter the user profile information and to access the activity' [col 4, line 42-44, line 59-63], Chrabszez specifically teaches for example users has the ability to delete, update, groups or members, also teaches updating mechanism element 308; 'receiving permission from the user' [col 5, line 37-43], 'access a public subset of the user profile information' [fig 2, element 202, col 3, line 54-59], "public subset of the usr profile information on the database" [col 3, line 54-64], 'synchronizing the database and an internet enabled device so that the database and the internet enabled device both contain the content and the activities previously stored either on the internet enabled

device or on the database' fig 2, col 3, line 45-53], Chrabszez teaches for example clients, elements 110, 114, and 118 accessing the network element 110 requesting information from a server such as detailed in fig 1, element 102, each client or sever is treated as database, it is however noted that Chrabszez does not teach 'third party access', 'third party related to the activity', 'internet enabled device'. On the other hand, Harris teaches a system which including 'third party access' [col 26, line 46-50, line 66-67, col 27, line 1-5], examiner interpreting third party corresponds to Harris's financial institution, 'third party related to the activity' [col 26, line 40-59, see fig 31-32], 'internet enabled device' [col 3, line 60-67, col 10, line 32-37].

It would have been obvious one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Harris et al. into updating a wallpaper for computer display, which operates on a server attached to a computer network of Chrabszez because they are both directed to personalized collection of items [see Chrabszez, Abstract; Harris, Abstract]. One of ordinary skill in the art at the time of the invention would have been motivated to modify the Chrabszez's reference, more specifically modifying fig 3, especially element 304 to incorporate the teachings of Harris's fig 31, element 480 because that would have allowed users of Chrabszez's computer network to improving registration mechanism for groups or members, more specifically third party accessing personal profile for user information on user's interests, while preserving the user's security rights [see Chrabszez, col 4, line 43-51], bringing

the advantages of interactive personal data storage and transaction device, improving user input and output capabilities [see Harris, col 1, line 15-20].

15. As to Claims 2, 12, Harris details a system which including 'third party is a merchant utilizing the user profile information for offering a personalized service to the user' [see fig 31-32, col 26, line 44-50].

16. As to Claims 5 and 15, Harris details a system which including 'updating a third party application based on a change in the user profile information' [col 26, line 66-67, col 27, line 1-9].

17. As to Claims 6 and 16, Harris details a system which including 'storing rules in the database indicative of information usage in the user profile information' [col 25, line 26-36, table I, col 27, line 21-30].

18. As to Claims 8 and 18, Harris details a system which including 'the profile information is grouped in an optimal manner for a third party target application' [col 27, line 2-9].

19. As to Claims 9 and 19, Harris details a system which including 'internet enabled device is a 'telephone, television, computer, smart card, pocket organizer, personal digital assistant' [fig 2, element 48, fig 3, element 48, fig 15, element 121, 191, fig 13, element 127, col 3, line 60-63, col 4, line 25-26].

***Response to Arguments***

20. Applicant's arguments filed on December 20, 2001 have been fully considered , Claims 1-2, 5-6, 8-12, 15-16, 18-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszcz, US Patent No. 6202083 in view of Harris et al., [hereafter Harris], US Patent No. 6331972.

***Conclusion***

**The prior art made of record**

- a. US Patent No. 6202083
- b. US Patent No. 6331972

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- c. US Patent No. 6104334

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703)308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703)306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	<b>(After Final Communication)</b>
<b>703/746-7239</b>	<b>(Official Communications)</b>
703/746-7240	<b>(For Status inquiries, draft communication)</b>
(703)308-6607	<b>(Art Unit)</b>

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-9600.

  
Srirama Channavajjala  
Patent Examiner.  
January 6, 2002.